

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802487/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007844	International filing date (day/month/year) 15.07.2004	Priority date (day/month/year) 17.07.2003
International Patent Classification (IPC) or national classification and IPC G08G1/09		
Applicant DAIMLERCHRYSLER AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007844

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-9 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19 12.01.2005 with letter of 12.01.2005
 nos.* 1-11 received by this Authority on 12.01.2005
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/2-2/2 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/007844

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The present report refers to the following document:

D1: DE 199 52 392 A (DAIMLER CHRYSLER AG) 31 May 2001
(2001-05-31).

1.1 Document D1 discloses a signalling method according to the preamble of independent claims 1 and 2 (see column 3, lines 2-36).

The method according to document D1 determines the urgency of a danger to be signalled, for example the distance from a dangerous curve and the vehicle speed. Depending on the urgency determined, a signalling mode is decided upon and the signal emitted.

Document D1 discloses a variety of signalling modes. In column 3, a primarily optical warning is emitted initially which, depending on the type of danger, can consist of a number of different symbols and therefore contains urgency-related information. In addition, an acoustic signal can be emitted.

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

In column 4, line 55, to column 5, line 3, document D1 discloses a further embodiment for a more intensive warning, according to which an acoustic playback device is present which can produce voice signals, driving sounds or other acoustic signals.

- 1.2 Consequently, document D1 discloses that at least in the case of some signalling modes both a voice output and an optical output are emitted (see column 4, lines 59-63). Document D1 further discloses the problem to be solved by the present application, that is to say, informing the driver about dangers without his having to look at the signalling devices. To this end document D1 suggests that the urgency-related information should also be completely contained in the voice output (column 4, lines 63-65). Consequently, document D1 also discloses the feature wherein the voice output is different for different stages of urgency.
- 1.3 Claim 1 therefore differs from document D1 only in that according to claim 1 each mode explicitly contains a voice output and an optical output, whereas in document D1 this is not necessarily mandatory. However, since in document D1 there are a plurality of modes with both signalling types, it would be obvious to a person skilled in the art to develop document D1 in such a way as to provide a voice output and at least one further signal

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/007844Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

type (in this case an optical signal) for each of the modes.

1.4 Claim 1 also appears to differ from document D1 in that the "further signal type" contains **no** information on the urgency determined. However, any type of signal which indicates that a danger has been recognized always contains information about the urgency, even if this information can be binary, that is to say, consist only of "not urgent" (if there is no danger) and "urgent" (danger recognized). Consequently, the above feature is inherently inconsistent with the purpose of a signal. Furthermore, this feature is also inconsistent with the description and figure 1, wherein according to block 350 the optical output describes the type of danger. However, if there are two or more different dangers, to which a person's attention is drawn by optical means, this invariable entails a ranking of the urgency on the part of the driver. For example, a driver could consider the optical signal "accident" more urgent than the signal "traffic jam". It is therefore unclear how a signal type could **not** contain any urgency information. Therefore, the feature cannot establish a difference relative to the prior art.

Claim 1 therefore does not involve an inventive step within the meaning of PCT Article 33(3) and hence PCT Article 33(1) is not satisfied.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/007844

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<p>2. The same objection is raised with regard to independent claim 2. It likewise does not involve an inventive step within the meaning of PCT Article 33(3).</p> <p>3. Independent claim 7 claims a signal device having means for carrying out the method of claim 1. A device of this kind does not involve an inventive step relative to document D1 (PCT Article 33(1) and (3)).</p> <p>4. The features of dependent claims 2-6 and 8-11 are already known from document D1 (see the passages in document D1 cited in the search report). None of these claims meet the inventive step requirements of PCT Article 33(1) and (3).</p>	